

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Alan Doane, on March 20, 2017 at 8:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Alan Doane, Chair (R)
Rep. Seth Berglee, Vice Chair (R)
Rep. Virginia Court, Vice Chair (D)
Rep. Laurie Bishop (D)
Rep. Bob Brown (R)
Rep. Bill Harris (R)
Rep. Kathy Kelker (D)
Rep. Casey Knudsen (R)
Rep. Theresa Manzella (R)
Rep. Nate McConnell (D)
Rep. Shane A. Morigeau (D)
Rep. Dale Mortensen (R)
Rep. Zac Perry (D)
Rep. Matt Regier (R)
Rep. Lola Sheldon-Galloway (R)
Rep. Barry Usher (R)
Rep. Kirk Wagoner (R)

Members Excused:

Rep. Jennifer Eck (D)

Members Absent:

Rep. Ellie Hill Smith (D)

Staff Present: Sara Fleming, Committee Secretary
Helen Thigpen, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 20, 3/15/2017; SB 81, 3/15/2017; SB 90, 3/15/2017; SB 310, 3/15/2017
Executive Action: HB 559, SB 144, SB 207, SB 282, SB 90, SB 81, SB 20

HEARING ON SB 310

Opening Statement by Sponsor:

00:01:27 Sen. Lea Whitford (D), SD 8, opened the hearing on SB 310, Revise laws related to criminal jurisdiction on the Flathead Indian Reservation.

Proponents' Testimony:

00:03:28 Rep. Eck joined the meeting.

00:07:35 Vernon Finley, Confederated Salish and Kootenai Tribes (CSKT)

00:09:40 Ryan Rusche, Self

[**EXHIBIT\(juh57a01\)**](#)

00:19:11 Anne Sherwood, Confederated Salish and Kootenai Tribes (CSKT)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:24:12 Rep. Kelker

00:24:47 Sen. Whitford

00:26:04 Rep. McConnell

00:27:22 Ryan Rusche, Self

00:29:25 Rep. Harris

00:29:52 Ryan Rusche, Self

00:32:56 Rep. Manzella

00:33:19 Sen. Whitford

00:35:07 Rep. Manzella

00:35:28 Vernon Finley, CSKT

00:36:14 Rep. Sheldon-Galloway

00:36:44 Ryan Rusche, Self

00:38:40 Chair Doane

00:39:06 Ryan Rusche, Self

Closing by Sponsor:

00:40:02 Sen. Whitford

HEARING ON SB 20

Opening Statement by Sponsor:

00:42:03 Sen. Nels Swandal (R), SD 30, opened the hearing on SB 20, Revise court administrator laws to eliminate IT reporting requirement.

Proponents' Testimony:

00:42:43 Beth McLaughlin, Montana Supreme Court

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:44:15 Sen. Swandal

HEARING ON SB 81

Opening Statement by Sponsor:

00:44:41 Sen. Nels Swandal (R), SD 30, opened the hearing on SB 81, Generally revise coroner laws.

Proponents' Testimony:

00:45:32 Wilson Ilgenfritz, Montana Funeral Directors Association (MFDA)

00:46:01 Rep. Eck left the meeting.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:46:19 Rep. Manzella

00:46:34 Sen. Swandal

Closing by Sponsor:

00:47:04 Sen. Swandal

HEARING ON SB 90

Opening Statement by Sponsor:

00:47:22 Sen. Nels Swandal (R), SD 30, opened the hearing on SB 90, Remove mandatory jail for driving on suspended or revoked license.

Proponents' Testimony:

00:49:53 Greg Mohr, Montana Magistrates Association (MMA)

00:54:33 Adrienne Cotton, Montana Department of Corrections (COR)

00:55:09 SK Rossi, American Civil Liberties Union (ACLU)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:55:35 Rep. Harris

00:55:53 Greg Mohr, MMA

00:56:08 Rep. McConnell and Rep. Morigeau left the meeting.

Closing by Sponsor:

00:58:47 Sen. Swandal

Committee Business:

01:08:22 Chair Doane

01:09:12 Recess

02:01:26 Reconvene

EXECUTIVE ACTION ON SB 144**Discussion:**

02:01:39 Helen Thigpen, Legislative Services Division (LSD)

02:02:07 **Motion:** Rep. Berglee moved that **SB 144 BE CONCURRED IN.**02:02:12 **Motion:** Rep. Wagoner moved that **SB 144 BE AMENDED.**[EXHIBIT\(juh57a02\)](#)**Discussion:**

02:02:21 Helen Thigpen, LSD

02:03:10 Rep. Wagoner

02:03:29 Rep. Court

02:03:54 **Vote:** Motion carried unanimously by voice vote. Rep. Eck, Rep. Hill Smith, Rep. McConnell and Rep. Morigeau voted by proxy.02:04:19 **Motion/Vote:** Rep. Berglee moved that **SB 144 BE CONCURRED IN AS AMENDED.** Motion carried unanimously by voice vote. Rep. Eck, Rep. Hill Smith, Rep. McConnell and Rep. Morigeau voted by proxy. Rep. Wagoner will carry the bill.**EXECUTIVE ACTION ON SB 207****Discussion:**

02:05:11 Helen Thigpen, LSD

02:05:39 **Motion:** Rep. Berglee moved that **SB 207 BE CONCURRED IN.**02:05:49 **Motion:** Rep. Kelker moved that **SB 207 BE AMENDED.**[EXHIBIT\(juh57a03\)](#)**Discussion:**

02:06:05 Helen Thigpen, LSD

02:06:36 Rep. Manzella

02:06:45 Helen Thigpen, LSD

02:07:13 Rep. Usher

02:07:32 Rep. Manzella

02:07:35 Rep. Usher

02:08:01 Rep. Kelker

02:08:14 Helen Thigpen, LSD

02:08:30 Rep. Kelker

02:08:41 Chair Doane

02:08:47 Rep. Wagoner
02:08:57 Rep. Manzella
02:09:27 Rep. Wagoner
02:10:07 Rep. B. Brown
02:10:35 Helen Thigpen, LSD
02:11:10 Rep. Kelker
02:11:35 Chair Doane

02:11:41 **Vote:** Motion carried unanimously by voice vote. Rep. Eck, Rep. Hill Smith, Rep. McConnell and Rep. Morigeau voted by proxy.

02:12:15 **Motion/Vote:** Rep. Berglee moved that **SB 207 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by voice vote. Rep. Eck, Rep. Hill Smith, Rep. McConnell and Rep. Morigeau voted by proxy. Rep. Knudsen will carry the bill.

EXECUTIVE ACTION ON SB 282

Discussion:

02:13:02 Helen Thigpen, LSD
02:13:19 Rep. Hill Smith joined the meeting

02:13:27 **Motion:** Rep. Berglee moved that **SB 282 BE CONCURRED IN**.

02:13:41 **Motion:** Rep. Berglee moved that **SB 282 BE AMENDED**.
[EXHIBIT\(juh57a04\)](#)

02:13:49 Helen Thigpen, LSD

02:14:45 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Eck, Rep. McConnell and Rep. Morigeau voted by proxy.

02:15:49 **Motion:** Rep. Berglee moved that **SB 282 BE CONCURRED IN AS AMENDED**.

Discussion:

02:15:58 Rep. Kelker
02:17:01 Rep. Court
02:17:32 Rep. McConnell joined the meeting.
02:18:01 Chair Doane

02:18:12 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau and Rep. Perry voting no. Rep. Eck and Rep. Morigeau voted by proxy. Rep. Manzella will carry the bill.

EXECUTIVE ACTION ON HB 559**Discussion:**

02:19:34 Helen Thigpen, LSD

02:19:50 **Motion:** Rep. Berglee moved that **HB 559 BE TABLED**. Motion was without objection.

EXECUTIVE ACTION ON SB 90

02:20:12 **Motion:** Rep. Berglee moved that **SB 90 BE CONCURRED IN**.

Discussion:

02:20:22 Rep. Usher

02:22:28 Rep. McConnell

02:24:32 Helen Thigpen, LSD

02:25:12 **Motion/Vote:** Rep. Kelker moved that **SB 90 BE CONCEPTUALLY AMENDED THAT IF HB 133 IS PASSED AND APPROVED THAN SB 90 IS VOID**. Motion carried unanimously by voice vote. Rep. Eck and Rep. Morigeau voted by proxy.

02:25:51 **Motion/Vote:** Rep. Berglee moved that **SB 90 BE CONCURRED IN AS AMENDED**. Motion carried 17-2 by voice vote with Rep. M. Regier and Rep. Usher voting no. Rep. Eck and Rep. Morigeau voted by proxy. Rep. Mortensen will carry the bill.

EXECUTIVE ACTION ON SB 81

02:26:58 **Motion:** Rep. Berglee moved that **SB 81 BE CONCURRED IN**.

Discussion:

02:27:05 Rep. Wagoner

02:27:14 **Vote:** Motion carried unanimously by voice vote. Rep. Eck and Rep. Morigeau voted by proxy. Rep. Bishop will carry the bill.

EXECUTIVE ACTION ON SB 20

02:28:08 **Motion/Vote:** Rep. Berglee moved that **SB 20 BE CONCURRED IN**. Motion carried unanimously by voice vote. Rep. Eck and Rep. Morigeau voted by proxy. Rep. Court will carry the bill.

ADJOURNMENT

Adjournment: 02:29:11

Sara Fleming, Secretary

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Additional Documents:

EXHIBIT([juh57aad.pdf](#))